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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,669	10/03/2003	Ulf G. Ederer	EDERER ET AL-2	9743
7590 Kurt Kelman COLLARD & ROE, P.C. 1077 Northern Boulevard Roslyn, NY 11576			EXAMINER COZART, JERMIE E	
			ART UNIT 3726	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/678,669		EDERER ET AL.	
	Examiner		Art Unit	
	Jermie Cozart		3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 3-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims 3-11 drawn to an invention nonelected with traverse in the reply filed on 11/3/06. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ryder (US2187755).

Regarding **claim 1**, Ryder discloses a method of producing a workpiece having at least one bearing eye (page 2, col. 1, lines 32-33, "a connecting rod"), an anti-friction coating (18, 20, 22; page 2, col. 2, lines 9-10 & lines 45-47) being galvanically deposited (by electroplating which is considered galvanically depositing) on to the bearing eye surface (see for example, figure 4) after processing for a precise fit, the coating (18, 20, 22; Fig. 2) forms a running surface having a profiling in the form of groove-like recesses (near broken line 24 in Fig. 2 and near lead line 14 in Fig. 4), which are distributed over the axial length and run around the circumference, characterized in that the bearing eye surface is processed for a precise fit to a circular cylinder before the anti-friction coating

is galvanically deposited onto the processed bearing eye surface (on page 2, col. 2, lines 10-30, Ryder describes that the coating can be applied onto "the finished or smooth bearing material receiving surface". This teaching meets the claimed limitation where the "bearing eye surface is processed for a precise fit to a circular cylinder" because "finished" could be considered "processed" as claimed and a bearing eye of a connecting rod is clearly formed to a "circular cylinder" shape. Alternatively, in figure 4, Ryder shows that the bearing eye 14 is processed by machining/roughening grooves that can be formed in a spiral, transverse or parallel direction with respect to the axis (page 1, lines 51-55) before applying the coating. The roughening of grooves along the inner surface of the bearing eye essentially forms a "circular cylinder" shape in the bearing eye.) to form the running surface in a varying thickness which corresponds to the final dimensions of the profiled running surface.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ryder in view of Rivard et al. (US 2002/0042992).

Ryder discloses all of the claimed subject matter except for dividing the bearing eye by a fracture separation.

Rivard et al. teach using fracture separation to create connecting rods.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Ryder with fracture separation, in light of the teachings of Rivard et al., in order to create accurately shaped connecting rods.

Terminal Disclaimer

6. The terminal disclaimer filed on 4/20/07 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Application No.(s): 10/678, 665; 10/678,666; 10/678,668 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

7. Applicant's arguments filed 4/20/07 have been fully considered but they are not persuasive.

Applicant argues that Ryder cannot anticipate claim 1 because Ryder is not aimed at a profiled running surface but rather a smooth running surface shaped according to a circular cylinder.

In response, the Examiner argues that in Fig. 2, Ryder clearly discloses the coating (18, 20, 22) forming a running surface having profiling in the form of groove-like recesses which are distributed over the axial length and run around the circumference. Eventually portions of the running surface are smoothed, however, as shown in Fig. 2, the running surface has a profile with groove-like recesses.

Applicant argues that because of the subsequent machining of the galvanically deposited slide layers, the bearing eye in Ryder does not have to be machined to fit accurately.

In response, the Examiner argues that the bearing eye is inherently processed for a precise fit because the work-piece (10, 16) are complementary machine elements that are to be received onto for suitable rotation. Therefore, it is inherent that the overall construction elements have to be precisely machined in order to account for the inaccuracy thickness of the coating prior to assembly. *See Page 1, column 2, lines 16-42 for further clarification.*

Applicant also argues that aside from the fact that Ryder does not describe a profiled running surface, Ryder can therefore also not make it obvious to machine the bearing eye surface with precise fit according to a circular cylinder, in order to then obtain a slide bearing having a profiled running surface, by precise galvanic deposition of the slide layer, without having to machine this running surface afterwards.

In response, the Examiner argues that Ryder does in fact disclose a profiled running surface shown in Fig. 2 as described in detail above, and that the bearing eye surface has a precise fit since the work-pieces have a complementary fit in order to facilitate rotation with respect to one another.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JERMIE E. COZART
PRIMARY EXAMINER

July 19, 2007